

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001.

Investigation 02-11-040
(Filed November 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
MODIFYING SCHEDULE OF PHASE I.A AND PHASE I.B**

On April 19, 2004, I deferred the submission date for direct testimony by Southern California Edison Company (SCE) in Phase I.B of Investigation (I.) 02-11-040. On April 22, 2004, SCE filed a motion asking for leave to present oral supplemental testimony during the evidentiary hearing for Phase I.A, which was scheduled to commence on April 26, 2004. The hearing was subsequently rescheduled to begin on June 14, 2004. Pacific Gas and Electric Company and SCE have made subsequent e-mail requests regarding the scheduling of Phase I.A and Phase I.B.

This ruling provides for submittal of prepared supplemental Phase I.A testimony, as described below, and modifies the schedule for Phase I.A. The following schedule is adopted for Phase I.A:

Supplemental Phase I.A testimony by SCE	May 19, 2004
Supplemental rebuttal Phase I.A testimony	June 7, 2004
Phase I.A deadline for discovery requests	June 9, 2004
Phase I.A all discovery responses due	June 15, 2004
Phase I.A evidentiary hearing	June 16 through July 1, 2004
Phase I.A opening briefs	July 19, 2004
Phase I.A reply briefs and submission	July 28, 2004

The final four days of evidentiary hearing in this schedule (June 28 – July 1) were scheduled previously for Phase I.B hearings, but should be used for Phase I.A instead. Further modifications to the Phase I.B schedule will be addressed by subsequent ruling. The Phase I.A briefing schedule may be modified depending on the schedule for Phase I.B. The evidentiary hearings shall be held in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California, and shall commence at 10:00 a.m. on June 16, 2004.

Pursuant to Rule 8(d) of the Commission Rules of Practice and Procedure, parties requesting final oral argument before the Commission in Phase I.A should include that request in their concurrent opening briefs for Phase I.A.

I am aware that some parties may have scheduling difficulties for some witnesses and that hearings in Application (A.) 02-05-046 are scheduled during the same period. I will attempt to accommodate parties' scheduling concerns to the extent feasible, including coordination with Judge Brown in A.02-05-046 as appropriate.

Parties have been given advance electronic notice of this ruling.

Therefore, **IT IS RULED** that:

1. The schedule for Phase I.A and Phase I.B of Investigation 02-11-040 is modified as set forth herein.
2. SCE may submit supplemental Phase I.A testimony no later than May 19, 2004 limited to the issues identified in its April 22, 2004 motion, i.e., new discovery produced by Southern California Gas Company (SCG) after December 10, 2003 and four new “allegations” made in SCG’s rebuttal testimony.
3. SCG, San Diego Gas & Electric Company, and any other party may submit supplemental rebuttal Phase I.A testimony no later than June 7, 2004, responding to SCE’s supplemental testimony.
4. Parties shall serve all prepared testimony allowed by this ruling on the service list in electronic form. Parties shall also serve paper format copies on the Assigned Commissioner, the assigned Administrative Law Judge, anyone on the Appearances and State Service portions of the service list who does not have a valid e-mail address, and any other party requesting paper format copy.
5. A party may request final oral argument as set forth herein.

Dated May 11, 2004, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Modifying Schedule of Phase I.A and Phase I.B on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated May 11, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.